

87TH CONGRESS
1ST SESSION

S. 1668

IN THE HOUSE OF REPRESENTATIVES

JUNE 13, 1961

Referred to the Committee on Interstate and Foreign Commerce

AN ACT

To authorize the imposition of forfeitures for certain violations of the rules and regulations of the Federal Communications Commission in the common carrier and safety and special fields.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 That title V of the Communications Act of 1934 is amended
4 by adding at the end thereof a new section as follows:

5 “FORFEITURE IN CASES OF VIOLATIONS OF CERTAIN RULES
6 AND REGULATIONS

7 “SEC. 510. (a) Where any radio station other than
8 licensed radio stations in the broadcast service or stations

1 governed by the provisions of parts II and III of title III
2 and section 507 of this Act—

3 “(1) is operated by any person not holding a valid
4 radio operator license or permit of the class prescribed
5 in the rules and regulations of the Commission for the
6 operation of such station;

7 “(2) is operated without identifying the station at
8 the times and in the manner prescribed in the rules and
9 regulations of the Commission;

10 “(3) transmits any false call contrary to regulations
11 of the Commission;

12 “(4) is operated on a frequency not authorized by
13 the Commission for use by such station;

14 “(5) transmits unauthorized communications on
15 any frequency designated as a distress or calling fre-
16 quency in the rules and regulations of the Commission;

17 “(6) interferes with any distress call or distress
18 communication contrary to the regulations of the Com-
19 mission;

20 “(7) fails to attenuate spurious emissions to the ex-
21 tent required by the rules and regulations of the
22 Commission;

23 “(8) is operated with power in excess of that
24 authorized by the Commission;

1 “(9) renders a communication service not author-
2 ized by the Commission for the particular station;

3 “(10) is operated with a type of emission not
4 authorized by the Commission;

5 “(11) is operated with transmitting equipment
6 other than that authorized by the Commission; or

7 “(12) willfully or repeatedly fails to respond to
8 official communications from the Commission;

9 the person or persons operating such station and the licensee
10 of the station shall, in addition to any other penalty pre-
11 scribed by law, each forfeit to the United States the sum of
12 \$100. The violation of the provisions of each numbered
13 clause of this subsection shall constitute a separate offense:

14 *Provided*, That \$100 shall be the maximum amount of
15 forfeiture liability for which any person shall be liable under
16 this section for the violation of the provisions of any one of
17 the numbered clauses of this subsection, irrespective of the
18 number of violations thereof, occurring within ninety days
19 prior to the date the notice of apparent liability is issued or
20 sent as provided in subsection (c) of this section: *And pro-*
21 *vided further*, That \$500 shall be the maximum amount of
22 forfeiture liability for which any such person shall be liable
23 under this section for all violations of the provisions of this
24 section, irrespective of the total number thereof, occurring

1 within ninety days prior to the date said notice of apparent
2 liability is issued or sent as provided in subsection (c) of
3 this section.

4 “(b) The forfeiture liability provided for in this section
5 shall attach only for a willful, or negligent, or repeated vio-
6 lation by any such person of the provisions of this section.

7 “(c) No forfeiture liability under this section shall at-
8 tach after the lapse of ninety days from the date of the viola-
9 tion unless within such time a written notice of apparent
10 liability, setting forth the facts which indicate apparent lia-
11 bility, shall have been issued by the Commission and re-
12 ceived by such person, or the Commission has sent him such
13 notice by registered mail or by certified mail at his last
14 known address. The person so notified of apparent liability
15 shall have the opportunity to show cause in writing why he
16 should not be held liable and, upon his request, he shall be
17 afforded an opportunity for a personal interview with an
18 official of the Commission at the field office of the Commis-
19 sion nearest to the person's place of residence.”

20 SEC. 2. Section 504 (b) of the Communications Act of
21 1934 (47 U.S.C. 504 (b)) is amended by striking out “sec-

1 tion 503 (b) and section 507” and inserting in lieu thereof
2 “, section 503 (b) , section 507, and section 510”.

3 SEC. 3. This Act shall take effect on the thirtieth day
4 after the date of its enactment.

Passed the Senate June 12, 1961.

Attest: FELTON M. JOHNSTON,
Secretary.

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AN ACT

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Union Calendar No. 657
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[Report No. 1561]

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2 and section 507 of this Act—

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4 radio operator license or permit of the class prescribed
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6 operation of such station;

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8 the times and in the manner prescribed in the rules and
9 regulations of the Commission;

10 “(3) transmits any false call contrary to regulations
11 of the Commission;

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13 the Commission for use by such station;

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15 any frequency designated as a distress or calling fre-
16 quency in the rules and regulations of the Commission;

17 “(6) interferes with any distress call or distress
18 communication contrary to the regulations of the Com-
19 mission;

20 “(7) fails to attenuate spurious emissions to the ex-
21 tent required by the rules and regulations of the
22 Commission;

23 “(8) is operated with power in excess of that
24 authorized by the Commission;

1 ~~“(9) renders a communication service not author-~~
2 ~~ized by the Commission for the particular station;~~

3 ~~“(10) is operated with a type of emission not~~
4 ~~authorized by the Commission;~~

5 ~~“(11) is operated with transmitting equipment~~
6 ~~other than that authorized by the Commission; or~~

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8 ~~official communications from the Commission;~~

9 the person or persons operating such station and the licensee
10 of the station shall, in addition to any other penalty pre-
11 scribed by law, each forfeit to the United States the sum of
12 \$100. The violation of the provisions of each numbered
13 clause of this subsection shall constitute a separate offense:
14 *Provided,* That \$100 shall be the maximum amount of
15 forfeiture liability for which any person shall be liable under
16 this section for the violation of the provisions of any one of
17 the numbered clauses of this subsection, irrespective of the
18 number of violations thereof, occurring within ninety days
19 prior to the date the notice of apparent liability is issued or
20 sent as provided in subsection (c) of this section: *And pro-*
21 *vided further,* That \$500 shall be the maximum amount of
22 forfeiture liability for which any such person shall be liable
23 under this section for all violations of the provisions of this
24 section, irrespective of the total number thereof, occurring

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 3 this section.

4 “(b) The forfeiture liability provided for in this section
 5 shall attach only for a willful, or negligent, or repeated vio-
 6 lation by any such person of the provisions of this section.

7 “(c) No forfeiture liability under this section shall at-
 8 tach after the lapse of ninety days from the date of the viola-
 9 tion unless within such time a written notice of apparent
 10 liability, setting forth the facts which indicate apparent lia-
 11 bility, shall have been issued by the Commission and re-
 12 ceived by such person, or the Commission has sent him such
 13 notice by registered mail or by certified mail at his last
 14 known address. The person so notified of apparent liability
 15 shall have the opportunity to show cause in writing why he
 16 should not be held liable and, upon his request, he shall be
 17 afforded an opportunity for a personal interview with an
 18 official of the Commission at the field office of the Commis-
 19 sion nearest to the person's place of residence.”

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 21 1934 (47 U.S.C. 504(b)) is amended by striking out “sec-
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 23 “, section 503(b), section 507, and section 510”.

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 25 after the date of its enactment.

1 *That title V of the Communications Act of 1934 is amended*
 2 *by adding at the end thereof a new section as follows:*

3 *“FORFEITURE IN CASES OF VIOLATIONS OF CERTAIN RULES*
 4 *AND REGULATIONS*

5 *“SEC. 510. (a) Where any radio station other than*
 6 *licensed radio stations in the broadcast service or stations*
 7 *governed by the provisions of parts II and III of title III*
 8 *and section 507 of this Act—*

9 *“(1) is operated by any person not holding a valid*
 10 *radio operator license or permit of the class prescribed*
 11 *in the rules and regulations of the Commission for the*
 12 *operation of such station;*

13 *“(2) fails to identify itself at the times and in*
 14 *the manner prescribed in the rules and regulations of*
 15 *the Commission;*

16 *“(3) transmits any false call contrary to regulations*
 17 *of the Commission;*

18 *“(4) is operated on a frequency not authorized by*
 19 *the Commission for use by such station;*

20 *“(5) transmits unauthorized communications on*
 21 *any frequency designated as a distress or calling fre-*
 22 *quency in the rules and regulations of the Commission;*

23 *“(6) interferes with any distress call or distress*

1 *communication contrary to the regulations of the Com-*
2 *mission;*

3 “(7) *fails to attenuate spurious emissions to the ex-*
4 *tent required by the rules and regulations of the*
5 *Commission;*

6 “(8) *is operated with power in excess of that*
7 *authorized by the Commission;*

8 “(9) *renders a communication service not author-*
9 *ized by the Commission for the particular station;*

10 “(10) *is operated with a type of emission not*
11 *authorized by the Commission;*

12 “(11) *is operated with transmitting equipment*
13 *other than that authorized by the Commission; or*

14 “(12) *fails to respond to official communications*
15 *from the Commission;*

16 *the licensee of the station shall, in addition to any other*
17 *penalty prescribed by law, forfeit to the United States*
18 *a sum not to exceed \$100. In the case of a violation of*
19 *clause (2), (3), (5), or (6) of this subsection, the person*
20 *operating such station shall, in addition to any other penalty*
21 *prescribed by law, forfeit to the United States a sum not to*
22 *exceed \$100. The violation of the provisions of each num-*
23 *bered clause of this subsection shall constitute a separate*
24 *offense: Provided, That \$100 shall be the maximum amount*
25 *of forfeiture liability for which the licensee or person operat-*

1 *ing such station shall be liable under this section for the vio-*
2 *lation of the provisions of any one of the numbered clauses of*
3 *this subsection, irrespective of the number of violations thereof,*
4 *occurring within ninety days prior to the date the notice of ap-*
5 *parent liability is issued or sent as provided in subsection (c).*
6 *of this section: And provided further, That \$500 shall be the*
7 *maximum amount of forfeiture liability for which the licensee*
8 *or person operating such station shall be liable under this*
9 *section for all violations of the provisions of this section, ir-*
10 *respective of the total number thereof, occurring within ninety*
11 *days prior to the date such notice of apparent liability is*
12 *issued or sent as provided in subsection (c) of this section.*

13 *“(b) The forfeiture liability provided for in this section*
14 *shall attach only for a willful or repeated violation of the*
15 *provisions of this section by any licensee or person operating*
16 *a station.*

17 *“(c) No forfeiture liability under this section shall at-*
18 *tach after the lapse of ninety days from the date of the viola-*
19 *tion unless within such time a written notice of apparent*
20 *liability, setting forth the facts which indicate apparent lia-*
21 *bility, shall have been issued by the Commission and re-*
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25 *shall have the opportunity to show cause in writing why he*

1 should not be held liable and, upon his request, he shall be
2 afforded an opportunity for a personal interview with an
3 official of the Commission at the field office of the Commis-
4 sion nearest to the person's place of residence."

5 SEC. 2. Section 504(b) of the Communications Act of
6 1934 (47 U.S.C. 504(b)) is amended by striking out "sec-
7 tions 503(b) and 507" and inserting in lieu thereof "sec-
8 tion 503(b), section 507, and section 510".

9 SEC. 3. The amendments made by this Act shall take
10 effect on the thirtieth day after the date of its enactment.

Passed the Senate June 12, 1961.

Attest:

FELTON M. JOHNSTON,

Secretary.

Union Calendar No. 657

87TH CONGRESS
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JUNE 13, 1961

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APRIL 9, 1962

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed